

**WEDNESDAY, MARCH 24, 2004**

**SEVENTY-THIRD LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 2:30 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Pastor Maury Davis of Cornerstone Church in Madison, Tennessee, a guest of Senator Haynes.

**PLEDGE OF ALLEGIANCE**

Senator Kilby led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 30

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2670.

HENRY, Chairperson  
March 23, 2004

The Speaker announced that he had referred Senate Bill No. 2670 to Committee on Calendar.

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2325, 2446, 2637 with amendment, 2663, 3377 and 3381; and House Joint Resolution No. 858; also, recommend that Senate Bills Nos. 1607 and 2111 be referred to Committee on Finance, Ways and Means.

COHEN, Chairperson  
March 23, 2004

## **WEDNESDAY, MARCH 24, 2004 -- 73RD LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Bills Nos. 2325, 2446, 2637 with amendment, 2663, 3377 and 3381; and House Joint Resolution No. 858 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1607 and 2111 to Committee on Finance, Ways and Means.

### **COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 334 with amendment, 1161 with amendments, 1716 with amendment, 1884 with amendment, 2331 with amendment, 2684 with amendment, 2783 with amendment, 3252 with amendment and 3354; also, recommend that Senate Bills Nos. 3082 and 3115 with amendment be referred to Committee on Finance, Ways and Means.

COOPER, Chairperson  
March 23, 2004

The Speaker announced that he had referred Senate Bills Nos. 334 with amendment, 1161 with amendments, 1716 with amendment, 1884 with amendment, 2331 with amendment, 2684 with amendment, 2783 with amendment, 3252 with amendment and 3354 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3082 and 3115 with amendment to Committee on Finance, Ways and Means.

### **JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 560 with amendment, 2299 with amendment, 2304 with amendment, 2716, 3008 with amendment and 3426 with amendment; also, recommend that Senate Bills Nos. 230, 284, 2995 and 3364 with amendment; and Senate Joint Resolutions Nos. 88 with amendment and 721 be referred to Committee on Finance, Ways and Means; Senate Joint Resolutions Nos. 71 with amendment and 733 be referred to Committee on State and Local Government; and Senate Bill No. 160 be referred to Committee on Government Operations.

PERSON, Chairperson  
March 23, 2004

The Speaker announced that he had referred Senate Bills Nos. 560 with amendment, 2299 with amendment, 2304 with amendment, 2716, 3008 with amendment and 3426 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 230, 284, 2995 and 3364 with amendment; and Senate Joint Resolutions Nos. 88 with amendment and 721 to Committee on Finance, Ways and Means.

The Speaker announced that he had referred Senate Joint Resolutions Nos. 71 with amendment and 733 to Committee on State and Local Government.

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The Speaker announced that he had referred Senate Bill No. 160 to Committee on Government Operations.

### **EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3397.

McNALLY, Chairperson  
March 24, 2004

The Speaker announced that he had referred Senate Bill No. 3397 to Committee on Calendar.

### **GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2181 with amendment, 2596 with amendment, 2666, 2701, 2833 with amendment, 3127 with amendment, 3214 with amendment, 3229 with amendment, 3258 with amendment and 3478.

FORD, Chairperson  
March 24, 2004

The Speaker announced that he had referred Senate Bills Nos. 2181 with amendment, 2596 with amendment, 2666, 2701, 2833 with amendment, 3127 with amendment, 3214 with amendment, 3229 with amendment, 3258 with amendment and 3478 to Committee on Calendar.

### **TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2211, 2598 and 3400; also, recommend that Senate Bill No. 1717 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson  
March 24, 2004

The Speaker announced that he had referred Senate Bills Nos. 2211, 2598 and 3400 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1717 to Committee on Finance, Ways and Means.

### **INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 3487** by Senator McLeary.

Kenton -- Changes terms of trustees from two years to staggered terms of four years and increases grade level of school authorized for operation by special district from third grade to fifth grade. Amends Chapter 84 of the Public Acts of 1947; as amended.

**Senate Bill No. 3488** by Senator Herron.

Game and Fish Laws -- Authorizes unlimited taking of catfish greater than 34" in length. Amends TCA Title 70, Chapter 2.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2274** -- Parks, Natural Areas Preservation -- Enacts the "State Park Funding Act of 2004". Amends TCA Title 11, Chapter 3 and Title 55, Chapter 4, Part 1.

**House Bill No. 2326** -- Motor Vehicles -- Prohibits operation of sound amplification system in a motor vehicle that can be heard more than 50 feet from such vehicle, violation is punishable by fine only of up to \$50.00. Amends TCA Title 55, Chapter 8, Part 1.

**House Bill No. 2497** -- Sunset Laws -- Public health emergency advisory committee, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 56.

**SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

**Senate Bill No. 3484** held on desk.

**Senate Bill No. 3485** held on desk.

**Senate Bill No. 3486** held on desk.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 872** by Senator Graves.

Memorials, Public Service -- Billy Hobbs, White House Citizen of the Year.

**Senate Joint Resolution No. 873** by Senator Graves.

Memorials, Academic Achievement -- Allen Claiborne Vantrease, Valedictorian, Gallatin High School.

**Senate Joint Resolution No. 874** by Senator Graves.

Memorials, Academic Achievement -- Kirsten O'Neal, Valedictorian, Station Camp High School.

**Senate Joint Resolution No. 875** by Senator Graves.

Memorials, Academic Achievement -- Alana Benet Hibbler, Salutatorian, Station Camp High School.

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### **Senate Joint Resolution No. 876** by Senator Burks.

Memorials, Sports -- Livingston Academy Lady Wildcats, 2004 TSSAA Class AA Basketball State Champions.

### **Senate Joint Resolution No. 877** by Senator Herron.

Memorials, Retirement -- Rev. Adam Hall.

### **Senate Joint Resolution No. 878** by Senator Cooper.

Memorials, Academic Achievement -- Ashley DeBord, Salutatorian, Bledsoe County High School.

### **Senate Resolution No. 141** by Senator Kurita.

Memorials, Academic Achievement -- Ashleigh Toro, Valedictorian, Clarksville Academy.

### **Senate Resolution No. 142** by Senator Kurita.

Memorials, Academic Achievement -- Thomas Philip Madaelil, Salutatorian, Clarksville Academy.

### **Senate Resolution No. 143** by Senator Crutchfield.

Memorials, Academic Achievement -- Joseph Woodfin, Valedictorian, South Pittsburg High School.

## **RESOLUTIONS LYING OVER**

### **House Joint Resolution No. 849** -- Memorials, Recognition -- Hamblen County, 2003

School Board of the Year.

The Speaker announced that he had referred House Joint Resolution No. 849 to Committee on Calendar.

### **House Joint Resolution No. 985** -- Memorials, Recognition -- Steve West, 2004 Senior

Citizens Home Assistance Services Blount County Person of the Year.

The Speaker announced that he had referred House Joint Resolution No. 985 to Committee on Calendar.

### **House Joint Resolution No. 986** -- Memorials, Public Service -- White House Chamber of

Commerce, 20th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 986 to Committee on Calendar.

### **House Joint Resolution No. 987** -- Memorials, Retirement -- Vivian Smith.

The Speaker announced that he had referred House Joint Resolution No. 987 to Committee on Calendar.

### **House Joint Resolution No. 988** -- Memorials, Recognition -- Christina Ivey.

The Speaker announced that he had referred House Joint Resolution No. 988 to Committee on Calendar.

### **House Joint Resolution No. 989** -- Memorials, Recognition -- Old Union Church of Christ,

170th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 989 to Committee on Calendar.

**House Joint Resolution No. 991** -- Memorials, Recognition -- Charles Stahl.

The Speaker announced that he had referred House Joint Resolution No. 991 to Committee on Calendar.

**House Joint Resolution No. 992** -- Memorials, Heroism -- Staff Sergeant Kevin L. Houser, United States Army.

The Speaker announced that he had referred House Joint Resolution No. 992 to Committee on Calendar.

**House Joint Resolution No. 993** -- Memorials, Recognition -- Eloise Waters.

The Speaker announced that he had referred House Joint Resolution No. 993 to Committee on Calendar.

**House Joint Resolution No. 994** -- Memorials, Public Service -- Sharon J. Miller, 2004 National Conference for Community and Justice Humanitarian Award.

The Speaker announced that he had referred House Joint Resolution No. 994 to Committee on Calendar.

**House Joint Resolution No. 995** -- Memorials, Congratulations -- Joseph E. Kurtz.

The Speaker announced that he had referred House Joint Resolution No. 995 to Committee on Calendar.

**House Joint Resolution No. 996** -- Memorials, Personal Occasion -- Hans Fischer, 60th birthday.

The Speaker announced that he had referred House Joint Resolution No. 996 to Committee on Calendar.

**Senate Joint Resolution No. 863** -- Memorials, Public Service -- ProHealth Rural Health Services, Inc., Three for Three! and the ProHealth Music Festival & All-Star Sports Clinic.

The Speaker announced that he had referred Senate Joint Resolution No. 863 to Committee on Calendar.

**Senate Joint Resolution No. 864** -- Memorials, Academic Achievement -- Alan Glen Knox, Salutatorian, Coffee County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 864 to Committee on Calendar.

**Senate Joint Resolution No. 866** -- Memorials, Heroism -- HHSB, 2-1158 Field Artillery, Forward Deployment, Henderson.

The Speaker announced that he had referred Senate Joint Resolution No. 866 to Committee on Calendar.

**Senate Joint Resolution No. 867** -- Memorials, Heroism -- HHSB, 2-115 Field Artillery, Henderson.

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The Speaker announced that he had referred Senate Joint Resolution No. 867 to Committee on Calendar.

**Senate Joint Resolution No. 868** -- Memorials, Congratulations -- Bolivar Central High School, Class AA Basketball State Championship.

The Speaker announced that he had referred Senate Joint Resolution No. 868 to Committee on Calendar.

**Senate Joint Resolution No. 869** -- Naming and Designating -- Victims' Rights Week, April 18-24, 2004.

The Speaker announced that he had referred Senate Joint Resolution No. 869 to Committee on State and Local Government.

**Senate Joint Resolution No. 870** -- Memorials, Heroism -- 731st Ordinance Detachment, Tennessee National Guard of Chattanooga.

The Speaker announced that he had referred Senate Joint Resolution No. 870 to Committee on Calendar.

**Senate Joint Resolution No. 871** -- Memorials, Heroism -- 1-181 Field Artillery Battalion, Tennessee National Guard of Chattanooga.

The Speaker announced that he had referred Senate Joint Resolution No. 871 to Committee on Calendar.

**Senate Resolution No. 139** -- Memorials, Academic Achievement -- Megan Elaine Lunsford, Salutatorian, Oliver Springs High School.

The Speaker announced that he had referred Senate Resolution No. 139 to Committee on Calendar.

**Senate Resolution No. 140** -- Memorials, Academic Achievement -- Brianne Nichole Lankford, Valedictorian, Oliver Springs High School.

The Speaker announced that he had referred Senate Resolution No. 140 to Committee on Calendar.

### MOTION

Senator Graves moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 872**, out of order, which motion prevailed.

### RESOLUTION LYING OVER

**Senate Joint Resolution No. 872** -- Memorials, Public Service -- Billy Hobbs, White House Citizen of the Year.

On motion of Senator Graves, the rules were suspended for the immediate consideration of the resolution.

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On motion, **Senate Joint Resolution No. 872** was adopted by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**RECALL OF BILL**

On motion of Senator Henry, **Senate Bill No. 3397** was recalled from the Committee on Calendar.

**REFERRAL**

Senator Henry moved that Senate Bill No. 3397 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**NOTICES**

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

**MESSAGE FROM THE HOUSE**

March 15, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 693, amended, and concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 18, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2286, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 22, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 112, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.



**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 861** -- Memorials, Academic Achievement -- Mica Hutchings, Salutatorian, Van Buren County High School.

**Senate Joint Resolution No. 862** -- Memorials, Academic Achievement -- Dustin Wayne Shelton, Valedictorian, Coffee County Central High School.

**Senate Joint Resolution No. 863** -- Memorials, Public Service -- ProHealth Rural Health Services, Inc., Three for Three! and the ProHealth Music Festival & All-Star Sports Clinic.

**Senate Joint Resolution No. 864** -- Memorials, Academic Achievement -- Alan Glen Knox, Salutatorian, Coffee County Central High School.

Senator Crowe moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, March 25, 2004, pursuant to Rule 38: **Senate Bill No. 2260.**

**Senate Bill No. 2399** -- Sunset Laws -- Industrial development division, building finance committee, June 30, 2006. Amends TCA Title 4, Chapter 14 and Title 4, Chapter 29.

On motion, Senate Bill No. 2399 was made to conform with **House Bill No. 2494.**

On motion, House Bill No. 2494, on same subject, was substituted for Senate Bill No. 2399.

**Senate Bill No. 2405** -- Sunset Laws -- Tennessee board for economic growth, June 30, 2006. Amends TCA Title 4, Chapter 14 and Title 4, Chapter 29.

On motion, Senate Bill No. 2405 was made to conform with **House Bill No. 2486.**

On motion, House Bill No. 2486, on same subject, was substituted for Senate Bill No. 2405.

**Senate Bill No. 2564** -- Sunset Laws -- Public health emergency advisory committee, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 56.

On motion, Senate Bill No. 2564 was made to conform with **House Bill No. 2497.**

On motion, House Bill No. 2497, on same subject, was substituted for Senate Bill No. 2564.

**Senate Bill No. 3175** -- Motor Vehicles, Titling and Registration -- Revises registration taxes for motor vehicles operated commercially as part of a nursery business. Amends TCA Section 55-4-113.

**Senate Bill No. 3371** -- Motor Vehicles, Titling and Registration -- Prohibits any materials around a license plate that covers or conceals any information on the license plate; prohibits any tinted material from covering a license plate. Amends TCA Title 55, Chapter 4, Part 1.

**Senate Bill No. 3411** -- Parks, Natural Areas Preservation -- Requires commissioner or designee of Department of Environment and Conservation and commissioner or designee of Department of Tourist Development to serve as ex officio members of Great Smoky Mountains Park Commission. Amends TCA Section 11-19-102.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 3479** -- Tiptonville -- Subject to local approval, requires two, instead of three, readings to pass an ordinance. Amends Chapter 393 of the Acts of 1907.

On motion, Senate Bill No. 3479 was made to conform with **House Bill No. 3561**.

On motion, House Bill No. 3561, on same subject, was substituted for Senate Bill No. 3479.

Senator Crowe moved that **House Bill No. 3561** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 2485** -- Election Laws -- Allows county election commission to combine election notices published at same time into one publication; requires notice that polling place inaccessible to elderly or disabled voters published no later than 45 days before any election; makes other revisions to various election laws. Amends TCA Section 2-1-110; Section 2-19-107; Section 2-19-120; Section 2-3-109; Section 2-5-101; Section 2-5-211; Section 2-5-216; Section 2-6-202; Section 2-6-601; Section 2-7-118 and Section 7-86-127.

Senator Ramsey moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 7 of the printed bill.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes .....	20
Noes .....	8

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Ford, Fowler, Henry, Herron, Ketron, Kilby, Kyle, McNally, Norris, Person, Ramsey, Southerland and Trail--20.

Senators voting no were: Burks, Crutchfield, Dixon, Graves, Harper, Haynes, Kurita and McLeary--8.

Thereupon, **Senate Bill No. 2485**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

**Senate Bill No. 877** -- Water -- Authorizes unified permit or regulatory fee to be charged for activities affecting storm water management if mandated by federal or state law and also permitted or regulated by Department of Environment and Conservation; apportions fees, with 25 percent allocated to state and 75 percent allocated to municipality; earmarks revenue for expenditure on storm water management. Amends TCA Title 68, Chapter 221, Part 11.

Senator Kilby moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-221-1107(a), is amended by deleting the fifth sentence of the subsection, which reads as follows:

Users whose storm water runoff is not discharged into or through the storm water and/or flood control facilities of the municipality shall be exempted from payment of the graduated storm water use fee authorized by this section.

and by substituting instead the following:

Persons, including but not limited to owners and operators of agricultural land, whose storm water runoff is not discharged into or through the storm water and/or flood control facilities of the municipality shall be exempted from payment of the graduated storm water user fee authorized by this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 877**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

**Senate Bill No. 2100** -- Physicians and Surgeons -- Exempts certain medical practitioners from continuing education and occupation tax requirements. Amends TCA Title 33; Title 63; Title 67 and Title 68.

Senator Ford moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting the language "Such license shall be an annual license and may be renewed on an annual basis." from subsection (b) of the amendatory language of Sections 2, 3, 4, 5, 6, 7, and 8 of the printed bill and by substituting instead in each instance the language:

Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

On motion, Amendment No. 1 was adopted.

On motion of Senator Fowler, Amendment No. 2 was withdrawn.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting in Section 1 of the printed bill the word "and" at the end of subdivision (E), by adding the word and punctuation "; and" at the end of subdivision (F), and by adding a new subdivision (G) thereto, as follows:

(G) Physician assistant licensed under Title 63, Chapter 19.

AND FURTHER AMEND by adding the following language as new Section 9 of the bill and renumbering the remaining sections appropriately:

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 19, Part 1, is amended by adding the following as a new section to be appropriately designated:

63-19-115. (a) A physician assistant licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by § 63-1-201, engaged in practice at a free health clinic shall not be subject to the requirements of this chapter for continuing education.

(b) The board of medical examiners and its committee on physician assistants may issue a special volunteer license, as defined in Section 63-1-201, to qualified applicants without fee or charge. Such license shall be for a period of two (2) years and may be renewed on a biennial basis.

Senator Fowler moved that **Senate Bill No. 2100**, as amended, be placed on the calendar for Thursday, April 1, 2004, which motion prevailed.

**Senate Bill No. 2162** -- Professions and Occupations -- Creates a uniform standard format for written prescription orders issued by physicians, osteopathic physicians, optometrists, dentists and podiatrists; requires written prescription orders to be legible and comprehensible to a pharmacist; limits the liability of pharmacists for delay incurred when clarifying a prescription that the pharmacist cannot understand. Amends TCA Title 63.

Senator Ford moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the following amendatory language in Section 12 of the bill:

including providers who may be affected indirectly such as physician assistants and nurse practitioners,

AND FURTHER AMEND by deleting the language "written prescription orders" in the first sentence of Section 2 and by substituting instead the language "written or electronic prescription orders".

AND FURTHER AMEND by deleting the language "written prescription order" wherever it appears in the amendatory language of Sections 3, 4, 5, 6, 7, 8 of the bill as introduced and by substituting in each instance instead the language "written or electronic order".

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AND FURTHER AMEND by adding the following two new sections to be designated as Sections 9 and 10 of the bill, and by renumbering Sections 10 through 15 of the bill as introduced as appropriate:

SECTION 9. Tennessee Code Annotated, Section 63-7-123(b)(3), is amended by adding the following language at the end of that subdivision:

Any written or electronic prescription order for a drug prepared by a nurse practitioner who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist filling the prescription. The written or electronic prescription order must contain the name of the prescribing nurse practitioner; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in both letters and numerals). The prescribing nurse practitioner must sign the written or electronic prescription order on the day it is issued. Nothing in this section shall be construed to prevent a nurse practitioner from issuing a verbal prescription order.

SECTION 10. Tennessee Code Annotated, Section 63-19-107(2)(G), is amended by adding the following language at the end of that subdivision:

Any written or electronic prescription order for a drug prepared by a physician assistant who is authorized by law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist filling the prescription. The written or electronic prescription order must contain the name of the prescribing physician assistant; the name and strength of the drug prescribed; the quantity of the drug prescribed (written in both letters and numerals); instructions for the proper use of the drug; and the month and day that the prescription was issued (written in letters or in both letters and numerals). The prescribing physician assistant must sign the written or electronic prescription order on the day it is issued. Nothing in this section shall be construed to prevent a physician assistant from issuing a verbal prescription order.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2162**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

**Senate Bill No. 2179 -- Highway Signs --** Designates Department of Transportation to administer logo signs on highways. Amends TCA Title 54, Chapter 5, Part 11.

Senator Williams moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 54-5-1104, is amended by deleting such section in its entirety.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2179**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 2205** be placed on the calendar for Thursday, March 25, 2004, which motion prevailed.

Senator Graves moved that **Senate Bill No. 2212** be placed on the calendar for Wednesday, March 31, 2004, which motion prevailed.

Senator Graves moved that **Senate Bill No. 2453** be placed on the calendar for Wednesday, March 31, 2004, which motion prevailed.

Senator Norris moved that **Senate Bill No. 2706** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 2722** be placed on the calendar for Monday, March 29, 2004, which motion prevailed.

Senator Graves moved that **Senate Bill No. 2770** be placed on the calendar for Wednesday, March 31, 2004, which motion prevailed.

Senator Williams moved that **Senate Bill No. 3103** be placed on the calendar for Wednesday, March 31, 2004, which motion prevailed.

**Senate Bill No. 3349** -- Basic Education Program (BEP) -- Provides that 40 percent of growth funds under the BEP are to be distributed to eligible LEAs by January 1 with the remainder distributed by the subsequent June 30. Amends TCA Section 49-3-351.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the amendatory language in Section 1 of the printed bill and substituting the following:

An estimated fifty percent (50%) of the appropriated amount shall be distributed to such eligible LEA by February 1 with the remainder, subject to any adjustment of numbers by the Department of Education which may affect the remaining amount, to be distributed by the following June 30.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3349**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 3369** -- Motor Vehicles -- Prohibits motor vehicle windshield wipers from having lights or reflectors. Amends TCA Title 55, Chapter 9, Part 2.

**Senate Bill No. 3369** passed its third and final consideration by the following vote:

Ayes ..... 29  
Noes ..... 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senator voting no was: Fowler--1.

A motion to reconsider was tabled.

**Senate Bill No. 3376** -- Insurance, Health, Accident -- Makes certain laws and regulations applicable to prepaid limited health service organizations; authorizes commissioner to suspend or revoke certificate of authority of HMO if HMO filed sworn financial statement containing material omissions or errors.

**Senate Bill No. 3376** passed its third and final consideration by the following vote:

Ayes ..... 29  
Noes ..... 0



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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**Senate Bill No. 3421** -- Commerce and Insurance, Dept. of -- Authorizes department to query TBI's criminal history records, orders of protection files and other similar databases, including FBI files, when such records are necessary in the performance of the department's licensure, permit and consumer protection duties.

**Senate Bill No. 3421** passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 2735** -- Children -- Defines hardship for purposes of parental delegation of child caregiving authority to another adult. Amends TCA Section 34-6-302.

On motion, Senate Bill No. 2735 was made to conform with **House Bill No. 2782**.

On motion, House Bill No. 2782, on same subject, was substituted for Senate Bill No. 2735.

Senator Trail moved that **House Bill No. 2782** be placed on the calendar for Wednesday, March 31, 2004, which motion prevailed.

**Senate Bill No. 3029** -- Consumer Protection -- Makes it a deceptive trade practice to advertise for a seminar on living trusts or estate taxation unless advertisement also states the minimum amount at which an estate must be valued in order to be subject to estate tax. Amends TCA Title 23, Chapter 3 and Title 47, Chapter 18.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding to the amendatory language of Section 1 the following:

An advertisement shall comply with the provisions of this section if it includes the amount excluded from taxation from the deceased estate applicable for both federal and state purposes for the year in which the advertisement appears and includes a statement that certain property, including real property, insurance proceeds, deposit accounts, stocks and retirement funds, may be taxable depending on how legal title is held and/or beneficiary designations are made.

The provisions of this subsection shall not apply to an advertisement by any attorney, law firm, bank, savings institution, trust company, registered securities broker/dealer, or licensed insurance agent which is directed to clients or customers of such person with whom such person has had a client or customer relationship within the prior two (2) years.

Senator McLeary and Mr. Speaker Wilder declared Rule 13 on Amendment No. 1

On motion, Amendment No. 1 was adopted by the following vote:

Ayes .....	15
Noes .....	12
Present, not voting .....	2

Senators voting aye were: Atchley, Crowe, Crutchfield, Ford, Fowler, Graves, Haynes, Henry, Kilby, Kurita, McLeary, Person, Ramsey, Williams and Mr. Speaker Wilder--15.

Senators voting no were: Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Dixon, Herron, Ketron, Kyle, McNally and Trail--12.

Senators present and not voting were: Harper and Southerland--2.

Thereupon, **Senate Bill No. 3029**, as amended, passed its third and final consideration by the following vote:

Ayes .....	26
Noes .....	2

Senators voting aye were: Atchley, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--26.

Senators voting no were: Bryson and Trail--2.

A motion to reconsider was tabled.

Senator Dixon moved that **Senate Bill No. 3259** be placed on the calendar for Monday, March 29, 2004, which motion prevailed.

#### MOTION

On motion of Senator Dixon, his name was added as sponsor of **Senate Bills Nos. 1716 and 3418**.

On motion of Senators Crutchfield and Burchett, their names were added as sponsors of **Senate Bill No. 990**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 996**.

On motion of Senator Person, his name was added as sponsor of **Senate Bill No. 1531**.

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On motion of Senator Harper, her name was added as sponsor of **House Joint Resolution No. 105; and Senate Bills Nos. 2089 and 3407.**

On motion of Senator Graves, her name was added as sponsor of **Senate Bill No. 3377.**

On motion of Senator Trail, his name was added as sponsor of **Senate Bill No. 2100.**

On motion of Senator Kurita, her name was added as sponsor of **Senate Bill No. 2743.**

On motion of Senator Ramsey, his name was added as sponsor of **Senate Bill No. 3103.**

On motion of Senator Cooper, his name was removed as sponsor of **Senate Bill No. 1809.**

On motion of Senator Crowe, his name was added as prime sponsor of **Senate Bill No. 1809.**

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 728.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2735, 3376 and 3421.**

**ENGROSSED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 2485, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 861, 862, 863 and 864; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 872, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 877, 2179, 3029, 3175, 3349, 3369, 3371, 3376, 3411 and 3421; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 2162, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2635, 3462, 3571 and 3574; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2450, 2555, 3487 and 3572; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2326 and 2497, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 999, 1000, 1001, 1004 and 1005; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1003, 1007, 1008, 1010, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and 1024; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2400, 2469 and 3414; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 859 and 865; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 872, concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

March 23, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2403, 2683 and 2890; and Senate Resolutions Nos. 120, 121, 122, 132 and 138; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 830; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 872, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 23, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 871, 872, 979, 980 and 981; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2486, 2494 and 3561; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

March 23, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 2403, 2683 and 2890; and Senate Resolutions Nos. 120, 121, 122, 132 and 138.

**SIGNED**

March 23, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 871, 872, 979, 980 and 981.

**SIGNED**

March 24, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 830.

**SIGNED**

March 24, 2004

The Speaker announced that he had signed the following: Senate Joint Resolution No. 872.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 830; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 24, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 872, signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 830; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 872, for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

**WEDNESDAY, MARCH 24, 2004 -- 73RD LEGISLATIVE DAY**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 25, 2004: House Joint Resolutions Nos. 849,



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985, 986, 987, 988, 989, 991, 992, 993, 994, 995 and 996; Senate Joint Resolutions Nos. 866, 867, 868, 870 and 871; and Senate Resolutions Nos. 139 and 140.

This the 23rd day of March, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 25, 2004: Senate Joint Resolution No. 127; House Joint Resolution No. 858; and Senate Bills Nos. 2379, 2446, 2637, 2670, 2737, 3377, 3383, 3391 and 3432.

This the 23rd day of March, 2004.  
CROWE, Chairperson.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, March 25, 2004, which motion prevailed.